

**REGULAR MEETING OF THE CANTON CITY COUNCIL  
6:00 P.M, JANUARY 21, 2020**

Canton City Hall  
201 N. Buffalo, Canton, Texas 75103

**MINUTES**

The Canton City Council met at the above-named date and time in the Canton City Hall. Members present were Mayor Lou Ann Everett and Councilmembers, Cindy Malouf, Nathan Moore, Randon Sumner, and Andrew Vaughn. Councilmember Daniel Deibert was absent.

Also present were City Manager Lonny Cluck, City Secretary Debra Johnson, Police Chief Brad Allison, and Assistant City Attorney David Ritter.

1. CALL MEETING TO ORDER AND DECLARE A QUORUM PRESENT – Mayor Everett called the meeting to order and declared a quorum present at 6:03 p.m.
2. INVOCATION was led by Mayor Everett.
3. PLEDGE OF ALLEGIANCE was led by Mayor Everett
4. MAYOR'S WELCOME
5. DECLARATIONS REGARDING CONFLICTS OF INTEREST - None
6. PROCLAMATIONS AND ANNOUNCEMENTS - None

**CITIZENS FORUM**

7. CITIZENS FORUM – CITIZENS ARE INVITED TO SPEAK ON MATTERS RELATING TO A CITY GOVERNMENT. SPEAKERS MUST FILL OUT A CARD AND PRESENT IT TO THE CITY SECRETARY PRIOR TO THE START OF THE MEETING AND IDENTIFY WHICH ITEM(S) THEY WISH TO SPEAK ABOUT. SPEAKING TIME WILL BE LIMITED TO NO MORE THAN THREE (3) MINUTES PER SPEAKER.

*Councilmember Vaughn entered the meeting at 6:06 p.m.*

Brent Muecke asked Council to be proactive about the electrical conditions on the First Monday grounds, which he considered to be unsafe. Mary Mahaffey, said the neighbors were upset because of a possible mobile home park near their homes. Mayor Everett requested Ms. Mahaffey submit a request this matter be on the next regular Council agenda for discussion.

**CONSENT AGENDA**

8. CONSIDER APPROVAL OF FINANCIAL REPORTS FOR MAY, JUNE, AND JULY, 2019
9. CONSIDER APPROVAL OF MINUTES FOR DECEMBER 17, 2019 COUNCIL MEETING

Councilmember Malouf made a motion to approve Items 8 and 9 on the Consent Agenda. Councilmember Vaughn seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

### **INDIVIDUAL CONSIDERATION**

10. CONSIDER ACCEPTANCE OF PETITION FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 1.75 ACRES OF LAND IN THE Q.C. NUGENT SURVEY, A-618, VAN ZANDT COUNTY, TEXAS, OWNED BY THE ESTATE OF BRENDA GRIFFIN WASHINGTON - Councilmember Vaughn made a motion to accept the petition for voluntary annexation. Councilmember Malouf seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

Debra Johnson announced the public hearings would be held February 18, 2020, and final consideration of the annexation on March 17, 2020

11. CONSIDER APPROVAL OF CONTRACT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR COST-SHARING FOR WATER LINE EXTENSION TO PROPERTY ON FM 1255 – This item was passed to the next regular meeting.
12. CONSIDER APPROVAL OF ORDINANCE NO. 2020-3 UPDATING THE CITY OF CANTON COMPREHENSIVE PLAN – This item was passed to the next regular meeting.
13. CONSIDER APPROVAL OF ORDINANCE NO. 2020-2 ADOPTING A NEW ZONING ORDINANCE TO UPDATE THE CITY'S CURRENT (1985) ZONING ORDINANCE - Councilmember Moore made a motion to approve Ordinance No. 2020-2 with the proposed changes of allowing hotels in B-1 with an SUP; changing the sand plant as a right under Gateway to a right under General Industrial; requiring a permanent foundation in MH district. Councilmember Sumner seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

14. CONSIDER APPROVAL OF CONTRACT FOR MANAGEMENT SERVICES WITH TRAYLOR & ASSOCIATES, INC. FOR THE TCF CONTRACT #7219092 2019 TEXAS CAPITAL FUND SIDEWALK IMPROVEMENT GRANT - Councilmember Vaughn made a motion to approve the Contract for Management Services with Traylor & Associates, Inc. Councilmember Moore seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

15. CONSIDER APPROVAL OF CONTRACT FOR ENGINEERING SERVICES WITH FRENTRESS ENGINEERING FOR THE TCF CONTRACT #7219092 2019 TEXAS CAPITAL FUND SIDEWALK IMPROVEMENT GRANT – Councilmember Malouf made a motion to approve the contract for engineering services with Frentress Engineering. Councilmember Moore seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

16. CONSIDER APPROVAL OF RESOLUTION NO. 2020-1 AUTHORIZING SIGNATORIES FOR TXCDBG CONTRACT NO. 7219092 – 2019 TEXAS CAPITAL FUND SIDEWALK IMPROVEMENT GRANT – Councilmember Vaughn made a motion to approve Resolution No. 2020-1. Councilmember Sumner seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

17. CONSIDER APPROVAL OF RESOLUTION NO. 2020-2 ADOPTING AND/OR REAFFIRMING POLICIES AND PROCEDURES FOR CIVIL RIGHTS, EQUAL OPPORTUNITY, AND FAIR HOUSING AS REQUIRED BY THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - Councilmember Moore made a motion to approve Resolution No. 2020-2. Councilmember Malouf seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

18. CONSIDER PROCLAIMING APRIL 2020 AS FAIR HOUSING MONTH AND AUTHORIZING THE PUBLICATION OF A FAIR HOUSING PUBLIC SERVICE ANNOUNCEMENT - Councilmember Malouf made a motion to proclaim April 2020 as Fair Housing Month and authorizing the publication of a Fair Housing Public Service Announcement. Councilmember Moore seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent

Council Member - Randon Sumner: Approve

19. CONSIDER APPROVAL OF RESOLUTION NO. 2020-3 SCHEDULING COUNCIL WORK SESSIONS - Councilmember Vaughn made a motion to approve Resolution No. 2020-3. Councilmember Moore seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

20. CONSIDER OPTIONS FOR WIFI COVERAGE ON FIRST MONDAY GROUNDS – A vote on this matter was postponed until some more details could be discussed.

21. CONSIDER ADOPTION OF ORDINANCE NO. 2020-1 AUTHORIZING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING THREE CITY COUNCILMEMBERS; PROVIDING FOR NOTICES, VOTING EQUIPMENT AND A JOINT ELECTION WITH CISD; AND DESIGNATING THE POLLING PLACES AND TIMES FOR EARLY VOTING AND ELECTION DAY – Councilmember Malouf made a motion to adopt Ordinance No. 2020-1. Councilmember Sumner seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

22. CONSIDER APPOINTING A COMMITTEE TO RECOMMEND A SELECTION FOR CITIZEN OF THE YEAR AWARD - Councilmember Malouf made a motion to appoint Linda Teel, Debra Johnson and Councilmembers Sumner and Moore to the selection committee for Citizen of the Year. Councilmember Sumner seconded.

Council Member - Cindy Malouf: Approve  
Mayor Pro Tem - Nathan Moore: Approve  
Council Member - Andrew Vaughn: Approve  
Council Member - Daniel Deibert: Absent  
Council Member - Randon Sumner: Approve

23. CITY MANAGEMENT REPORTS

- A. FIRST MONDAY – Mr. Cluck reported he had the individual RV park owners looking at all their sites to ensure the electricity was up to code. Mr. Cluck reported a good First Monday on Saturday. They were down a little from last year but it was overall a good show.
- B. MARKETING - Austin Melton said they had 16,400 followers on Instagram. They had reached almost 1.4 million on Facebook. Mr. Melton said a TV crew had come out a year or two ago and he was trying to get information from them to post. Councilmember Malouf suggested grouping vendors in the Trade Centers

together in slow months. She felt empty buildings turned people away from a building. Mr. Cluck said we could add that item to the agenda for the quarterly meeting.

- C. OTHER ITEMS – Mr. Cluck reported he met with the Sabine River Authority to ask about the remaining water rights. He found they still allowed cities to build up to 4000 acre feet lakes on tributaries. Our current lake was approximately 4,300 acre feet. A lake that size would serve about 16,000 people.

### **EXECUTIVE SESSION**

**In accordance with the authority contained in the Texas Government Code, Chapter 551, including but not limited to, Sections 551.071, 551.072, 551.074 and 551.087. Council will convene in closed or executive session to discuss the following matters.**

Council convened into Executive Session at 7:50 p.m. after Mayor Everett called a short recess at 7:39 p.m.

- 24. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING EXISTING OR POTENTIAL LITIGATION (Section 551.071) REGARDING THE FOLLOWING MATTERS:
  - A. Ongoing litigation involving the real property located at 673 W. College (a/k/a 901 W. College), including Cause Nos. 6-19-CV-00365-JDK, and 6:19-CV-00177-JDK, pending in the United States District Court for the Eastern District of Texas, and Cause No. 19-00219, pending in the 294<sup>th</sup> District Court of Van Zandt County
  - B. Deliberations regarding potential purchase of real property

### **RETURN TO OPEN SESSION**

- 25. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION

Council reconvened into Open Session at 8:22 p.m. with no action taken.

- 26. ITEMS FOR FUTURE AGENDAS
- 27. ADJOURN - There being no further business to discuss, Mayor Everett adjourned the meeting at 8:23 p.m.